

ALD-183

April 17, 2008

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 06-3524

LARRY WINTERS

v.

WARDEN RAPHAEL WILLIAMS, et al.
(D. Del. Civ. No. 04-CV-01361)

Present: SLOVITER, FISHER and HARDIMAN, Circuit Judges

Submitted are:

- (1) Appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1);
- (2) Supplement to Application for Certificate of Appealability, which the Court may also wish to construe as a response to the Clerk's March 26, 2008 order; and
- (3) Memorandum in Opposition to Request for Certificate of Appealability, which the Court may also wish to construe as a response to the Clerk's March 26, 2008 order,

in the above-captioned case.

Respectfully,

Clerk

MMW/CAD/crg

ORDER

The foregoing application for a certificate of appealability is denied. After considering Appellant's application and the responses to the Clerk's order, we conclude that jurists of reason would not find it debatable whether the District Court was correct in its procedural ruling, nor would jurists of reason find it debatable whether the petition states a valid claim of the denial of a constitutional right. Slack v. McDaniel, 529 U.S. 473, 484 (2000).

By the Court,

/s/ D. Michael Fisher
Circuit Judge



Dated: April 22, 2008
CRG/cc: Joseph M. Bernstein, Esq.
Loren C. Meyers, Esq.

Marcia M. Waldron

Marcia M. Waldron, Clerk